Message

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Subject: OPPT/OPP/OCPP Clips 4/17

OPPT/OPP/OCPP Daily Clips
April 17, 2019

Asbestos
BusinessWire: President of Asbestos Disease Awareness Organization Responds to EPA's Inadequate New Asbestos Rule
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Glyphosate
Genetic Literacy Project; Newsweek : Viewpoint: 'Native' calls for glyphosate ban threaten higher food prices, resurgence of more toxic pesticides; Monsanto, Roundup And Cancer: Cutting Chemicals From Agriculture Is A Cost We Can't Yet Afford: Opinion
Idaho Mountain Express: Take a stand against glyphosate

PFAS
Bloomberg Environment: Vermont Would Extend Tough Water Rules on Fluorinated Chemicals **(April 16, 2019)**
Inside EPA: Resisting EPA, DOD Chief Defends Eased PFAS Groundwater Cleanup Level
Juneau Empire: Opinion: Alaska welcomes EPA's action plan on contaminated drinking water
The National Law Review: Michigan Gets to Work on PFAS Safe Drinking Water MCL

Toxic chemicals
Chemical Watch: Labour shortages contributing to TSCA new chemical review delays
E&E News: Faith groups pray outside EPA to stop mercury rule changes
The Hill: Pro-Life Christians are demanding pollution protections
Silicon Republic: New algorithm could save thousands of animals from toxic testing

Asbestos

BusinessWire
President of Asbestos Disease Awareness Organization Responds to EPA's Inadequate New Asbestos Rule

https://www.businesswire.com/news/home/20190417005869/en/President-Asbestos-Disease-Awareness-Organization-Responds-EPA%E2%80%99s
Kim Cecchini, Tracy Russo
Posted: 3:04pm, April 17, 2019

WASHINGTON--(BUSINESS WIRE)--*Linda Reinstein, president of the Asbestos Disease Awareness Organization, the largest asbestos-victim advocacy organization, released the following statement today in response to the EPA's publication of a significant new use rule (SNUR) for asbestos:*

"The Environmental Protection Agency's (EPA) significant new use rule (SNUR) for asbestos is deeply disappointing, especially after last week's comments from EPA Administrator Wheeler who testified he was committed to banning ongoing uses of asbestos. "

Asbestos is a known carcinogen that claims the lives of nearly 40,000 Americans every year. This toothless regulation requires companies to seek approval from EPA to resume manufacturing, importing, and processing of asbestos for 15 obsolete uses. It does not ban these uses, but leaves the door open to their return to the marketplace. To think that any company would willingly attempt to resurrect these 15 obsolete asbestos uses is ludicrous. That EPA would enable it is unconscionable.

Meanwhile, this rule fails to address the continuing imports of raw asbestos into the United States, effectively giving the Chlor-Alkali industry a free pass to continue to import and use hundreds of metric tons of the deadly mineral. It also ignores legacy asbestos, which remains an ever present threat in our homes, workplaces, and schools.

More than 60 nations around the world have put public health before private profits and banned asbestos. Americans deserve the same from our government. A comprehensive solution to the threat of asbestos is long overdue and that is what the bicameral Alan Reinstein Ban Asbestos Now Act of 2019 offers. Congress must immediately move this lifesaving legislation forward to protect public health as the EPA has shown they are unwilling to do."

To learn more about how the SNUR fails to protect public health read ADAO's Eight Ways EPA'S Significant New Use Rule for Asbestos Fails to Protect the Public from Asbestos.

About the Asbestos Disease Awareness Organization

The Asbestos Disease Awareness Organization (ADAO) was founded by asbestos victims and their families in 2004. ADAO is the largest non-profit in the U.S. dedicated to providing asbestos victims and concerned citizens with a united voice through our education, advocacy, and community initiatives. ADAO seeks to raise public awareness about the dangers of asbestos exposure, advocate for an asbestos ban, and protect asbestos victims' civil rights. For more information, visit www.asbestosdiseaseawareness.org.

Environmental Working Group
EPA Asbestos Rule 'Half Step' That Leaves Deadly Carcinogen Legal
https://www.ewg.org/release/epa-asbestos-rule-half-step-leaves-deadly-carcinogen-legal
Alex Formuzis
Posted: April 17, 2019

WASHINGTON – The rule announced today by the Environmental Protection Agency claiming to strengthen the agency's ability to restrict certain uses of the notorious carcinogen asbestos falls short of what is required to fully protect public health, said EWG legislative attorney Melanie Benesh.

The so-called significant new use rule, or SNUR, restricts uses of asbestos that have already been abandoned by industry. Instead of outright banning asbestos, the SNUR merely requires manufacturers to notify and seek approval from the EPA before resuming these uses.

"This new rule makes it more difficult for industry to resume some abandoned uses of asbestos, but that is a half step at best," said Melanie Benesh, legislative attorney at EWG. "Administrator Wheeler should use the authority under the new Toxic Substances Control Act law and ban all uses of asbestos. That is the only way the public can trust industry will never again be able to use this dangerous material that has literally killed tens of thousands of Americans."

Washington Examiner: EPA aims to 'close the door' on companies using asbestos

Josh Siegel

Posted: 2:00pm, April 17, 2019

The Environmental Protection Agency issued a final rule Wednesday that officials say will "close the door" on potential new uses of the dangerous chemical asbestos.

The rule, first proposed last August, requires companies to get EPA approval to domestically manufacture or import products using asbestos. It's intended to make it difficult, if not impossible, for manufacturers to resume using asbestos in products where it is no longer used, such as in roofing, plastics, and pipelines.

"Prior to this new rule, EPA did not have the ability to prevent or restrict certain asbestos products from being reintroduced into the market," EPA Administrator Andrew Wheeler said in statement. "This new rule gives us unprecedented authorities to protect public health from domestic and imported asbestos products and gives us the ability to prohibit asbestos products from entering or reentering the market."

Alexandra Dunn, who leads EPA's Chemical Safety and Pollution Prevention Office, told the *Washington Examiner* the agency is not aware of any current proposal by companies to bring back old uses of asbestos, or to propose new ways to use it. But she said EPA's action is meant to be "proactive" and "protective" just in case.

"Given what know about the risks of asbestos and given the strong statement we are making today, we don't expect these uses to come back into the marketplace," Dunn said in an interview. "We think that will be a strong deterrent to anyone trying to bring these uses forward."

Asbestos has long been used in a variety of building construction materials, and in a range of manufactured goods, because of its strength and heat-resistant qualities. Exposure to asbestos, however, increases the risk of developing lung disease and lung cancer, according to the EPA.

The Environmental Working Group says between 12,000 and 15,000 Americans die from asbestos-related illnesses every year.

The EPA banned some uses of asbestos in 1989, but a federal appeals court overturned the ban on some product categories.

That has allowed asbestos' continued use in certain industries, including in auto manufacuring, oil and gas development, chemical manufacturing, and for producing chlorine. The EPA plans to initiate a separate rulemaking, to be finalized by the end of this year, to conduct a risk evaluation on the ongoing uses of asbestos to see if they threaten workers and the public.

Dunn said the agency could decide to ban asbestos in all its ongoing uses by the end of that evaluation, if industry cannot find a way to mitigate the risks.

"EPA is very concerned about any exposure to the public, but particularly to the workers who might be exposed if they are working in these industries," Dunn said. "It is quite possible we take another step. One of the outcomes could be a ban."

Some environmental groups accused the EPA of not going far enough, urging the agency to immediately outright ban asbestos in all its uses.

"This action is a only a stopgap measure and a half step at best," said Melanie Benesh, legislative attorney at the Environmental Working Group, in a statement to the *Washington Examiner*. "If EPA is serious about protecting Americans from asbestos exposure, EPA should quickly release its full risk assessment under [the Toxic Substances Control Act] and issue a total ban on all uses of asbestos. That is the only way to ensure this deadly carcinogen can never be allowed on the market again."

But Dunn says the Toxic Substances Control Act, a 2016 law approved by bipartisan margins in Congress, requires the EPA to conduct a risk evaluation process before completely banning ongoing uses of chemicals like asbestos.

"By the end of 2019 we will complete the circle of evaluating the risk of asbestos exposure to the public and workers, and taking some of the most aggressive actions protecting the public from asbestos exposures in 30 years," Dunn said.

PoliticoPro
EPA restricts new asbestos products from market
https://subscriber.politicopro.com/article/2019/04/epa-restricts-new-asbestos-products-from-market-1363447
Allex Guillen
Posted: 2:14pm, April 17, 2019

EPA announced on Wednesday it would prohibit companies from importing or selling any new asbestos products that have not been reviewed and approved by the agency.
The widely known carcinogenic effects and legal liabilities associated with using asbestos have prompted companies to stop selling most asbestos products used by the public, including building insulation and tiling. Still, EPA said Wednesday's finalization of a rule first proposed last year — which is separate from a broader EPA analysis of the risks posed by asbestos in products still in use — closes a three-decade-old loophole to stop any potential new asbestos products from slipping into market.

"Essentially there was a dangerous loophole that we identified," said Assistant Administrator for Chemical Safety and Pollution Prevention Alexandra Dapolito Dunn in an interview. "We are closing the door on that to ensure that the asbestos products affected by today's rule will not return back to the marketplace in the U.S. ... without EPA review." Responding to concerns from a wide range of parties, from environmentalists to Sen. Steve Daines (R-Mont.), EPA expanded the final rule to include a "catch-all" category that ensures no new products can get to market without review by EPA, Dunn said.

"It's a blanket coverage," said Dunn. "We want to make sure that we are closing the door on asbestos products coming back to market."

Last year's proposal named more than a dozen specific product categories but did not include such a catch-all. Critics argued that could have left the door open to companies selling asbestos products not predicted by EPA.

Along with the broad new category, the final Significant New Use Rule, known in EPA lingo as a SNUR, lists a number of product categories that were once legal but are no longer in use by companies. The products cannot be imported, made

or sold in the U.S. without first informing EPA, giving the agency a chance to study them and potentially issue restrictions.

Products listed include insulation and other building materials; vinyl floor tiles; roofing felt; pipeline coatings formerly used by the oil and gas industry; various adhesives, sealants and coatings; millboard; and missile lining. EPA also added four more specific products to the list first published last year, including cement products and packing materials.

Although the SNUR does not outright ban those products, it does ensure EPA will be notified about and able to study any potential future asbestos products. Dunn said she can't pre-judge the outcome of such reviews but said the EPA process was designed to protect public health.

"We're putting out a very strong regulation to make it clear that we do not anticipate any of these uses coming back into the marketplace," Dunn said.

In addition, a few asbestos products previously banned in 1989 remain banned, including several types of paper that once contained asbestos, along with flooring felt and rollboard. Those specific bans remained in place even after EPA's wider attempt to ban asbestos was thrown out in court in 1991.

Lawmakers from both parties continue to mull further legislative action on asbestos.

Daines is drafting a bill that would ban all potential new uses of asbestos, similar to Wednesday's rule from EPA.

Meanwhile, Democrats in both chambers, including Sen. Jon Tester of Montana, have introduced legislation that would ban all uses of asbestos and require EPA to study "legacy" asbestos previously installed as insulation in buildings around the U.S. Asbestos exposure has been an issue for Montana because of a vermiculite mine near the town of Libby that infamously exposed many workers and residents to asbestos dust.

The final SNUR will take effect 60 days after publication in the Federal Register.

Separately, EPA is in the midst of studying current uses of asbestos as part of its initial round of reviews under the revised Toxic Substances Control Act.

Asbestos — all of which is imported to the U.S. — is still used in filters that are part of the chlorine manufacturing process and in a few other chemicals and products. The industry has argued those uses are different from insulation-based asbestos and do not present the same cancer risks.

EPA rejected calls to study the risks posed by insulation installed in the past or by disposal practices. TSCA's definition of current uses does not cover such "legacy" uses, the agency concluded.

That evaluation is set to conclude in December. EPA will then have one to two years to write and issue any restrictions for those current uses.

Glyphosate
Genetic Literacy Project / Newsweek
Viewpoint: 'Native' calls for glyphosate ban threaten higher food prices, resurgence of more toxic pesticides / Monsanto, Roundup and Cancer: Cutting Chemicals From Agriculture Is A Cost We Can't Yet Afford: Opinion
https://geneticliteracyproject.org/2019/04/17/viewpoint-naive-calls-for-glyphosate-ban-threaten-higher-food-prices-resurgence-of-more-toxic-pesticides/
https://www.newsweek.com/monsanto-cancer-chemicals-agriculture-needed-1378101

Henry Miller, Stuart Smyth
Posted: April 17, 2019

There has been intense attention focused on the safety of agricultural chemicals over the past year, following two successful lawsuits against the Monsanto Company (which merged with Bayer in 2018) that claimed the herbicide glyphosate (Roundup®) caused the plaintiffs' cancers.But jury verdicts are not the same as scientific conclusions, and the data and the judgements of experts worldwide lead to different conclusions from those of the jurors.

In January 2019, Health Canada was the most recent regulatory entity to weigh in on the safety of glyphosate, observing, "[n]o pesticide regulatory authority in the world currently considers glyphosate to be a cancer risk to humans at the levels at which humans are currently exposed."

The recent lawsuits claiming injuries from glyphosate have led to increased calls by activists for a ban on the chemical. But such a ban would impose enormous costs on food production and consumers, and also on the environment, as older, more toxic chemicals would reappear.

Regulation of chemicals

Herbicides and other agricultural chemicals are heavily regulated. Prior to their approval for use, scientific risk-assessments are performed by national regulatory bodies, using all available data. From such assessments, an acceptable safe residue level on or in food products is established which is often six orders of magnitude—one-millionth—of levels that could be harmful. The U.S. EPA has established tolerances for glyphosate on a wide range of crops, including corn, soybean, oilseeds, grains, and some fruits and vegetables, ranging from 0.1 to 310 parts per million. In practice, these levels are seldom exceeded.

According to the Extension Toxicology Network, operated by several prestigious universities, the single-consumption lethal acute dose of glyphosate necessary to kill 50% of tested rats (LD 50) is 5,600 mg/kg (5600 ppm) . Translated to a 100 kg (220 pound) man, the LD 50 would be massive – about a pound and a quarter of the chemical, or 167 percent greater than the amount usually applied to an acre of farmland.

What, then, has prompted the concern and disagreement over glyphosate? In short, a single anomalous outlier: In 2015, glyphosate was classified as a "probable carcinogen" by the United Nations' International Agency for Research on Cancer (IARC). Their *hazard* assessment failed to take into consideration dose or exposures and has also been criticized for the corruption of the process. Using this failed paradigm—performing assessments of hazard, rather than risk—IARC placed glyphosate in the same hazard category as red meat and hot beverages, things most of us consume frequently.

Health Canada's statement that not a single chemical regulatory agency in the world considers glyphosate to be a human health risk echos the excellent infographic just published by the Genetic Literacy Project. Although science can never prove a negative—such as that something is 100 percent safe—this consensus is about as definitive a health safety statement as can possibly be made by government entities.

The importance of farm chemicals

As any farmer or home gardener knows, weeds are obstinate. They germinate earlier, grow faster, and produce far more seeds than seeded crops, making weed control essential for successful farming. Evolution has ensured that weeds know how to thrive and to ensure a successful next generation. For example, palmer amaranth, a particularly noxious weed in the southern U.S., produces one million seeds per plant. Kochia, a common weed in Western Canada is capable of producing 25,000 seeds per plant.

By comparison, a good yielding variety of wheat typically produces 25-30 kernels per plant, with 40 kernels being exceptional. With weeds producing 1,000 to 25,000 times more seeds than a crop plant, it doesn't take long for poor weed control practices to become a big problem for farmers.

Inadequate weed control lowers crop yields in all production situations. Africanstudies show the devastating effects on crop yields of uncontrolled or sub-optimally controlled weeds. Poor weed control is the single biggest contributor to low corn yields for African smallholder farmers. Female hand-weeding is a common practice in developing nations, and the number of times it is necessary to weed following planting has been identified as the principal limiting factor to the size

of African farms. Yield losses of 20-80 percent are common in parts of sub-Saharan Africa when proper weed control practices are not followed.

Unlike modern agriculture in developed nations, much of the agriculture of developing countries lacks the technologies and access to practices necessary for weed control. Fortunately, herbicide-tolerant, genetically engineered (GE) crops are slowly being introduced, offering producers access to effective and efficient means to control weeds. Research on three seasons of small-landholder adopters of GE crops in South Africa found that female farmers growing herbicide-tolerant GE corn spent 10-12 fewer days per season in the field doing arduous weed-pulling and hoeing than counterparts who planted conventional corn. With two crop seasons per year, these female farmers saved three weeks of field labor, a benefit which they reported allowed them to have larger vegetable gardens and to spend more time with their children.

The costs of prohibiting farm chemicals

Calls from various environmental organizations to ban the use of chemicals in food production are naïve. One study has estimated that the costs associated with a global ban on glyphosate, the most commonly used herbicide, would be $6.76 billion annually. This would result from lower production of the primary glyphosate-resistant, GE crops like soybeans, corn and canola, which would put upward pressure on food prices. In addition, the loss of availability of glyphosate would force farmers to use large amounts of other, less effective chemicals, resulting in increased chemical use by 1.7 percent, or 8.2 million kilograms, of chemical active ingredient. This would cause a 12.4 percent *greater* environmental impact, the study found.

Top of Form

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The additional chemical applications would reduce carbon sequestration, due to the rise of tillage to control weeds, and increase greenhouse gas emissions. That would be the equivalent of putting 11.8 million more cars on the roads. Moreover, banning one chemical would simply result in the increased use of others that have greater environmental impacts, set back efforts to mitigate climate change, and increase food insecurity and food prices.

One study that has calculated the environmental costs of not adopting herbicide-tolerant crops found that they were significant. The assessment, of Australia's moratorium on genetically engineered canola, estimated that the environmental impacts during 2004-2014 included:

- Additional use of 6.5 million kilograms of chemicals;
- Seven million additional field passes, requiring 8.7 million liters of diesel;
- the release of 24 million kilograms of greenhouse gases (equivalent to 5,000 cars being driven for one year); and
- 14 percent higher negative environmental impacts, due to the additional chemicals applied.

The future of chemical use

Exploiting advances in technology, weed control is evolving in much the same way that air-dropped munitions have gone from carpet-bombing in the last century to "smart bombs" today. Blue River Technology has developed a technology that promises to revolutionize chemical applications. This company has developed a program for a sprayer's computer to identify weeds and to turn on the appropriate nozzle, providing a small, short blast of chemical spray on an individual weed. Currently, sprayers used in bulk commodity fields spray the entire field to control weeds. If this precise technology were widely adapted to sprayers applying herbicides to bulk commodity fields, it could reduce the use of chemicals by 80 to 90 percent.

In an ideal world, farmers would not need to use chemicals to produce our food and fiber, but the reality is that without the ability to apply herbicides to control weeds, yields would decrease and farmers would be less profitable. The lower yields would result in higher food prices, an increased environmental footprint, and in cases of extreme environmental stresses, famine. Those are costs we can't afford.

Idaho Mountain Express
Take a stand against glyphosate
https://www.mtexpress.com/opinion/letters_to_editor/take-a-stand-against-glyphosate/article_9fe25810-606a-11e9-ae88-9b6b65543c1d.html

William Pereira
Posted: April 17, 2019

The McClure Center and Sun Valley Institute hosted a discussion regarding local agriculture (called Policy Pub: The Future of Food). My question to Amy Mattias, panelist and representative of the Sun Valley Institute, was disappointingly unanswered. Question: Considering the recent California State Supreme Court decisions Hardeman v. Monsanto and Dewayne Johnson v. Monsanto and the findings that glyphosate represents a probable carcinogen and that Monsanto is guilty of negligence in selling the product, what is Sun Valley Institute's position on the use of glyphosate, aka Roundup herbicide, in the cities of Sun Valley, Ketchum, Hailey and Bellevue? And what is its position on glyphosate use on locally grown foods?

The mission statement of the institute is to foster a resilient community and to foster local food-sourcing capability. The answer I received was, "We can't afford the staffing." My follow-up question, which I was not allowed to ask, would have been, "Taking a position against a known cancer causer and the most widely used herbicide in the world takes no more than taking a position. It doesn't require additional staffing. Just a yes or no, do you or don't you condemn the use of glyphosate in the production of our local foods?"

Forty-seven American cities and counties have moved to ban the use or curtail the use of glyphosate.

PFAS

Bloomberg Environment
Vermont Would Extend Tough Water Rules on Fluorinated Chemicals
https://news.bloombergenvironment.com/environment-and-energy/vermont-would-extend-tough-rules-on-water-contaminant
Adrianne Appel
Posted: 5:24pm, April 16, 2019

- Vermont sets strictest limit on fluorinated chemicals in drinking water
- Bill approved by lawmakers may extend to groundwater, ponds, and rivers

Vermont has the strictest rules in the nation limiting fluorinated chemicals in drinking water, but those rules would get even tougher under a bill the legislature cleared April 16.

Since July 2018, Vermont has enforced a limit of 20 parts per trillion combined for any of five common compounds known as per- and polyfluoroalkyl substances (PFAS), in public and private drinking water systems and wells.

The chemicals are widely used in firefighting foam, and as nonstick and stain-resistant compounds in a number of consumer and industrial products.

They have been detected in drinking water nationwide and have been linked to thyroid issues, cancer, and immune system problems, according to the Environmental Protection Agency.

The bill, S.49, would extend these limits to ground water and surface water and require the agency to take other steps to protect the Vermont public from exposure to PFAS.

Officials in Vermont and other states say they are taking action on the chemicals because the federal government is dragging its feet.

The federal EPA does plan to list two types of common PFAS chemicals as hazardous substances under the nation's Superfund law by year's end, the EPA has said.

And the agency's water office is exploring drinking water rules, though it is midstream through that multi-year consideration process, with no guarantees it will end up regulating PFOA and PFOS in drinking water.

Governor

Vermont House lawmakers passed the bill on a 135 to 1 vote on April 16, following Senate approval March 13.

It will soon head to the desk of Gov. Phil Scott (R), whose administration has won a series of agreements from Saint-Gobain Performance Plastics on PFAS contamination.

The Scott administration has been working with the legislature on the bill, Rebecca Kelley, Scott spokeswoman, said April 16. But the governor will need to evaluate the final legislation when it arrives on his desk, she said.

The Vermont Agency of Natural Resources is in the process of drafting a final drinking water rule for five PFAS, which include: perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluoroheptanoic acid (PFHpA), perfluorononanoic acid (PFNA), and perfluorohexane sulfonic acid (PFHxS).

Thousands of other PFAS exist, and environmental groups have petitioned for Vermont and other states to require filtration for all types of PFAS. So far none of the six New England states have agreed.

Sludge Tests

The bill would require the Agency of Natural Resources to investigate whether PFAS compounds should also be regulated in municipal sludge. The agency would need to test broadly for PFAS chemicals in Vermont under the measure. The state has had a similar emergency health rule in place since July 2018.

Alarm has spread among states, including Vermont and Maine, about PFAS concentration in municipal sludge, after an Arundel, Maine, dairy farm was found to have elevated concentrations of PFAS traced to its sludge use. The farm has had to dump its milk since 2016.

The Maine Department of Environmental Protection announced March 22 that all municipal sludge, a common fertilizer, must be tested before it can be used as fertilizer.

Saint-Gobain Settlement

Vermont announced April 10 that it had reached a final settlement with Saint-Gobain Performance Plastics to extend public water connections to all 470 homes and businesses in Bennington, Vt., found to be contaminated with PFAS. The PFAS was discovered in 2016 and traced back to a factory that Saint-Gobain now owns.

"Saint-Gobain has worked cooperatively with state and local officials to ensure residents have access to potable drinking water," Dina Pokedoff, a companyspokeswoman, said April 16. She said the company is "aware of the bill," but declined to comment on the measure.

The nonprofit advocacy group Conservation Law Foundation "believes regulating these harmful chemicals as a class is the right approach," Elena Mihaly, an attorney for the group in Vermont, said April 16.

"The municipal sewage sludge issue is definitely concerning, and it's one of the reasons why the Agency of Natural Resources needs to conduct a more comprehensive investigation of PFAS sources," she said.

Inside EPA
Resisting EPA, DOD Chief Defends Eased PFAS Groundwater Cleanup Level
https://insideepa.com/daily-news/resisting-epa-dod-chief-defends-eased-pfas-groundwater-cleanup-level
Suzanne Yohannan
Posted: April 17, 2019

Acting Defense Secretary Patrick Shanahan is strongly defending his department's stance that the acceptable risk level for remediating groundwater contaminated with per- and polyfluoroalkyl substances (PFAS) should be much weaker than the 70 parts-per-trillion (ppt) level that EPA favors, raising doubts that officials will be able to quickly issue a long-promised policy.

In an April 10 letter to Sen. Jeanne Shaheen (D-NH), first obtained by *Inside EPA*, Shanahan denies the Defense Department (DOD) is "seeking to weaken" EPA's preferred groundwater cleanup level for the two most common PFAS: perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). "The short answer is no," he says.

At the same time, he defends his department's position in the long-running inter-agency dispute for a risk cleanup level of 380 ppt -- much less stringent than EPA's preferred 70 ppt level -- saying DOD's level is based on the risk-based process EPA endorses under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

DOD "has proactively addressed PFOS and PFOA," applying CERCLA, he says. "As such, the Department is not seeking a different or weaker cleanup standard, but supports the use of the long-established CERCLA risk-based cleanup approach based on [EPA's] implementing regulations.

"This approach is based on sound science and applies to everyone and every chemical, nationwide," he adds.

"Using the EPA risk assessment process, the unacceptable risk to human health for cleanup of groundwater with PFOS and PFOA is approximately 380 parts per trillion (ppt)," he says.

Shanahan's letter responds to questions from Shaheen at a March 14 Senate Armed Services Committee hearing where the senator pressed him to confirm or deny a press report that DOD had urged EPA to set a weaker groundwater cleanup standard than the agency had recommended.

His response appears to cement DOD's position in its long-simmering dispute with EPA over a groundwater cleanup policy even as calls have built in recent weeks from Democratic lawmakers urging EPA not to accede to pressure from DOD and other agencies to set a weaker level than 70 ppt.

For example, Sen. Tom Carper (D-DE), the Environment & Public Works Committee ranking member, sent EPA Administrator Andrew Wheeler a March 13 letter that urged him to "resist these or any other efforts to weaken the clean-up standard and quickly finalize guidelines that are sufficiently protective of human health and the environment."

His letter referred to EPA's interim federal groundwater cleanup recommendations to address PFOA and PFOS in groundwater, which has been stalled at the White House Office of Management & Budget (OMB) since last August due to debate among EPA and other agencies over the appropriate cleanup level.

According to Carper, EPA's plan called for a groundwater cleanup level for PFOA and PFOS at 70 ppt, equivalent to the agency's 2016 lifetime health advisory for the two chemicals, combined.

But DOD, as well as the National Aeronautics & Space Administration and Small Business Administration, opposed such a limit and insisted on a level of 400 ppt, which would significantly reduce the number of contaminated sites and cleanup costs the federal agencies face, according to Carper.

The cleanup level is critical for DOD as officials have estimated the department faces about $2 billion in cleanup liability stemming from PFAS contamination -- though it is not clear what cleanup level that figure assumes.

PFAS Contamination

PFAS -- which were used in a host of non-stick commercial and industrial applications, including in firefighting foam used by the military -- have been linked to adverse health effects including certain cancers, ulcerative colitis and other conditions.

As a result, growing evidence of water contamination in states across the country is raising fears and calls from lawmakers and others for EPA to address it though the agency has been slow to adopt regulatory standards.
Nevertheless, Wheeler and other EPA officials promised in their PFAS Action Plan that they would issue the groundwater cleanup policy. And EPA water chief David Ross told a House hearing last month that the policy would be issued "in the very near future."
In the absence of a federal standard, states, including New Jersey, have been stepping in and setting their own standards that are stricter than EPA's proposed standard.
As a result, one former EPA official hopes a resolution on the groundwater policy is reached soon, saying it is needed to stave off inconsistency among states on cleanup levels.
The issue will almost certainly continue to receive close congressional scrutiny. Shaheen, for example, also led a letter from 16 senators later in March asking both Shanahan and Wheeler to release communications among their departments and the White House over both the pending groundwater guidance and on work toward developing drinking water standards for the chemicals.
But it is not clear what action Congress will take. Both Carper and Maureen Sullivan, DOD's top environment official, recently expressed doubts over the prospects for bipartisan and bicameral legislation that seeks to boost regulation and funding for addressing PFAS cleanup.
It is "never a good sign" when a bill is referred to multiple committees, Sullivan told state regulators recently, referring to a bill that seeks to list all PFAS as "hazardous substances" under Superfund law.
And Carper recently touted the bill and said he expects to add co-sponsors.
But, he said, "in the meantime,Congress needs to continue conducting consistent and persistent oversight on the administration, especially EPA and the Department of Defense, and impart a strong sense of urgency." -- *Suzanne Yohannan* (syohannan@iwpnews.com)

Juneau Empire
Opinion: Alaska welcomes EPA's action plan on contaminated drinking water
https://www.juneauempire.com/opinion/opinion-alaska-welcomes-epas-action-plan-on-contaminated-drinking-water/
Jason Brune
Posted: 7:00am, April 17, 2019

The Alaska Department of Environmental Conservation, and Alaska Department Transportation and Public Facilities, in partnership with the Alaska Department of Health and Social Services, have been working on the identification of and response to sites contaminated with Per- and Polyfluoroalkyl Substances (PFAS) chemicals.

We are very pleased the United States Environmental Protection Agency has recently announced a PFAS Action Plan, which includes a commitment by the EPA to make a regulatory determination within the year about whether to establish a Maximum Contamination Level (MCL) for drinking water for the PFAS chemicals perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).

PFAS are chemicals that have been used since the 1950s in a wide range of consumer and industrial products. A PFAS-based product known as Aqueous Film Forming Foam (AFFF) puts out petroleum and chemical fires far more safely and effectively than water, leading the Federal Aviation Administration to require its use for fires and regular drills at airports around the country, including 23 state-owned airports in Alaska.

[Opinion: Protect Alaska's precious resources for future generations]

Regular equipment testing is required and DOT&PF will use AFFF for responding to real fires, but foam will not be discharged into the environment unless necessary to save lives during an actual aircraft emergency.

Recent studies have shown that PFAS may adversely impact human health, but the exact effects and at what levels of exposure are not fully known. This makes it difficult when PFAS are found in soil, groundwater or drinking water wells. Is any contamination harmful, or is there a level at which we should be concerned and take action? For other regulated drinking water contaminants, the EPA has set MCLs, but they have not yet done so for PFAS.

Rather than wait, the DEC and DOT&PF pressed forward to protect the health of Alaskans. The agencies undertook a risk-based review of the state-owned airports in Alaska, identifying sites where runoff of AFFF could have impacted nearby drinking water wells. To date, well users in Fairbanks, North Pole, King Salmon, Dillingham and Gustavus have been provided with alternate drinking water based on test results.

States have responded in different ways to the PFAS issue, with most choosing to do nothing at all. Some, including Alaska in 2016, took regulatory action to set cleanup levels. In August 2018, DEC added three additional PFAS compounds in a technical memo to create a DEC action level, and began the process of promulgating new regulations based on this change.

[Opinion: Should we trust the Boeing 737 MAX 9 aircraft?]

During the public comment period for the draft regulations, the DEC received comments across the spectrum, including comments strongly urging the department to leave the 2016 regulations in place, and postpone setting revised cleanup levels until better toxicity data and EPA standards are available.

The EPA's recent announcement that it would take the lead on this important issue is welcome news. It will bring much needed consistency as a national strategy for addressing the health risks of PFAS contamination is developed.

The EPA will use its team of scientists, toxicologists and other experts to study PFAS when setting an MCL. These experts will take into account the contribution from other exposures such as those from stain resistant carpeting, water proof outwear and food wrappers, and nonstick cookware. Once an MCL is set by the EPA, states, including Alaska would be required to adopt it.

Given the EPA's forthcoming efforts, DEC has placed its draft regulations on hold. We will continue to voluntarily test according to the EPA's Lifetime Health Advisory level of 70 parts per trillion of PFOS and PFOA when addressing contaminated sites, as these are the two most studied PFAS compounds.

The DEC and DOT&PF will be proactive and continue to sample water in other communities near state-owned airports to determine whether drinking water has been impacted and to provide alternative drinking water as a precaution. The DEC will continue to require other responsible parties to test for PFAS and provide alternative drinking water as a precaution as well.

We will actively participate in EPA's process and closely monitor future toxicology and epidemiology studies on PFAS. In the meantime, both agencies have posted information about PFAS on its respective websites. We encourage those who have questions regarding PFAS and the state's response to visit dec.alaska.gov/spar/csp/pfas/ and dot.state.ak.us/airportwater/.

The National Law Review
Michigan Gets to Work on PFAS Safe Drinking Water MCL
https://www.natlawreview.com/article/michigan-gets-to-work-pfas-safe-drinking-water-mcl
Tammy Helminski, Jeffery Longsworth, Charles Denton
Posted: April 17, 2019

Michigan's PFAS Action Response Team (MPART) is working to implement Governor Whitmer's March 26, 2019directive that the state propose new drinking water standards for an undetermined subset of the thousands of per- and polyfluoroalkyl substances (PFAS) by October 1, 2019. MPART, on April 11, 2019, appointed three scientists to a Science Advisory Workgroup and directed the workgroup to review existing and proposed health-based drinking water standards for various PFAS compounds from around the nation.

The Michigan Department of Environmental Quality (MDEQ), soon to be part of the new Department of Environment, Great Lakes and Energy (EGLE), was directed by the Governor to work with the Science Advisory Workgroup to develop health-based values for PFAS compounds by the end of June -- an ambitious but critical step for developing Safe Drinking Water Act maximum contaminant levels (MCLs) in drinking water. Thereafter, MDEQ will propose draft rules, seeking stakeholder input that, according to the governor's directive, must be proposed by October 1st. Following administrative rulemaking procedures, a final MCL drinking water standard could be adopted by April 2020. The directive leaves to agency deference which of the thousands of PFAS compounds MDEQ will select for developing MCLs.

Michigan, like most states, has typically (if not always) simply adopted those MCLs developed federally by the U.S. Environmental Protection Agency (EPA). States have called on the EPA to develop MCLs for certain PFAS compounds. In response, the EPA's PFAS Action Plan, released earlier this year, stated the agency was moving forward with the MCL process for PFOA and PFOS—two of the most well-known and prevalent PFAS chemicals. The EPA, however, did not provide a timeline and the implication was that federal MCLs could take several years or more. The next federal action under the Safe Drinking Water Act that the agency describedwas to propose a "regulatory determination," which would provide the opportunity for the public to contribute to the information the EPA will consider related to regulating certain PFAS compounds for drinking water. Some states, like Michigan, have decided not to wait for this EPA process to continue with indeterminate outcomes and timeframes, and have instead undertaken to set their own state-based MCLs.

PFAS regulatory approaches continue to emerge and evolve. This MCL development is just one of the many actions that are being taken in Michigan and many other states across the nation.

Toxic chemicals

Chemical Watch
Labour shortages contributing to TSCA new chemical review delays
https://chemicalwatch.com/76586/labour-shortages-contributing-to-tsca-new-chemical-review-delays
Lisa Martine Jenkins
Posted: April 17, 2019

EPA misses the 2018 target for on-time determinations

At a US House of Representatives hearing last week, EPA Administrator Andrew Wheeler said a buildup of to-be-reviewed pre-manufacture notices (PMNs) can be traced to a lack of EPA personnel.
The backlog, which stands at 515 as of 2 April, is down from an October high of 553 cases. Back then the EPA responded to industry criticism by saying the buildup was due to readjustments caused by the complexity of the new TSCA requirements.
But in a 9 April hearing, Mr Wheeler told lawmakers that "it's more a labour problem, at this point."

While the EPA hired 25 new people to work on TSCA last year, it also lost 25 people, he said. In response to questions from Representative John Shimkus (R-Illinois, pictured), Mr Wheeler said the agency will try to quickly hire more experienced scientists and engineers to make the process run in a more timely fashion.

And both Mr Wheeler and EPA toxics head Alexandra Dunn have said that a plan is in place to address the new chemical reviews that have been "languishing" for months or years.
"Working through the implementation phase [of the 2016 amendments to TSCA] we got the backlog. So we're trying to process the new chemicals as they come in as quickly as possible and also work on the backlog," Mr Wheeler told the hearing.

"There have been some challenges, but we're processing [PMNs] faster than we were a year ago," he added.

Pace of reviews

TSCA mandates that new chemical reviews are completed within 90 days, with possible extensions. But according to Mr Wheeler's review of the most current data as of the hearing, the pending PMNs included:

- 270 that were older than 180 days; and
- between 110 and 120 PMNs that were between 90 and 180 days old.

The agency's justification for its fiscal year 2020 budget reveals that in fiscal year 2018, it fell short of its target of completing 65% of reviews within the 90 day limit – just 58.4% were completed within that timeframe.
The report blames the miss on the "complexity" that TSCA amendments added to the new chemicals review process. However, the EPA "maintains a perfect record of completing final determinations within the timeframe allowable by law", when factoring in submitter-requested extensions.

The budget justification also highlights one of the agency's goals for this year: to complete 80% of TSCA PMN final determinations within statutory deadlines by 30 September.

E&E News
Faith groups pray outside EPA to stop mercury rule changes
https://www.eenews.net/greenwire/2019/04/17/stories/1060174335
Sean Reilly
Posted: April 17, 2019

Participants in a prayer event this morning aimed to accomplish what a coalition of electric industry trade groups have so far failed to do: persuade EPA Administrator Andrew Wheeler to keep intact the legal underpinning for the agency's landmark limits on power plant mercury emissions.

"Let Mr. Wheeler look on this issue with fresh eyes ... and may his mind be radically changed," said Tori Goebel, a member of Young Evangelicals for Climate Action, one of about 20 participants in the gathering outside of EPA headquarters.

The event was timed to coincide with the final day of the public comment period for the agency's proposal to scrap the long-standing determination that it is "appropriate and necessary" to regulate releases of mercury and other hazardous pollutants from coal- and oil-fired power plants. By law, that determination was required before EPA could issue what are formally known as the Mercury and Air Toxics Standards (MATS) in 2012.

In its current move to roll MATS back, EPA says it is responding to cost concerns raised by a 2015 Supreme Court ruling and that it has no plans to directly tamper with the standards. Critics, however, fear the determination's repeal would open the door to a coal industry lawsuit targeting the full set of regulations.

"We pray that the MATS rollback, so harmful to our country and our world, can be avoided," said Barbara Weinstein, associate director of the Commission on Social Action of Reform Judaism. In a joint concluding prayer, the Rev. James Smith, a retired minister from York, Pa., asked participants to remember "our children, who are poisoned by mercury spewed from the burning of coal and other fossil fuels."

For faith-based opponents of the proposed rollback, the issue is in keeping with anti-abortion concerns because of mercury's effects on prenatal brain development, the Rev. Mitch Hescox, president of the Evangelical Environmental Network and the event's organizer, said in an interview beforehand. The purpose of the event, he said, was to pray "that God will intervene in their hearts," referring to EPA officials.

As of this morning, EPA had received more than 115,000 comments on the proposal, according to an online clearinghouse, with many more certain to pour in today.

So far, however, Wheeler, a former coal industry lobbyist, and EPA air chief Bill Wehrum show no signs of budging. Among the opponents of the current proposal are the Edison Electric Institute and other power industry trade groups. In a recent letter to Wehrum, they urged EPA against taking any action that would "jeopardize" investments in MATS compliance and instead deal with cost/benefit issues in a separate rulemaking (*Greenwire*, March 27).

The Hill
Pro-Life Christians are demanding pollution protections
https://thehill.com/opinion/energy-environment/439240-pro-life-christians-are-demanding-pollution-protections
Rev. Mitchell Hescox
Posted: 7:20am, April 17, 2019

Today, over 145,000 pro-life Christians from across the country — including over 94,000 from states that voted for President Trump — are calling on the Trump administration to stop its efforts to dismantle protections that defend children in the womb from mercury pollution: the Mercury and Air Toxic Standards (MATS). Dismantling these protections is wrong, and it does not square with our faith or the faith of millions of pro-life Americans.

Children in the womb are uniquely vulnerable to mercury — a potent neurotoxin — because a protective shield around the developing child's brain, called the "blood-brain barrier," is not fully formed until the first year of life. Mercury passes across the mother's placenta, enters the bloodstream of her child and then into the developing child's brain, causing brain damage, developmental disabilities, neurological disorders, lowered intelligence and learning difficulties.

Defending "sensitive" populations such as children in the womb is precisely why Congress included provisions in the 1990 Clean Air Actto deal with toxic air pollutants like mercury. In its reaffirmation of the Mercury Rule in 2016, the EPA was quite clear that it understood Congress's intent; these provisions in the law exist, EPA said, to address "the risk to the most exposed and most sensitive members of the population."

But now the Trump administration's EPA Administrator Andrew Wheeler, is attempting to dismantle the policy that made this progress possible. What will be the end result? Mercury in our children's brains. This is the exact opposite of the mission of the EPA — to protect human health.

To date, The EPA's mercury standards have been a resounding success. Mercury pollution from power plants has declined by at least 81 percent, while women with damaging levels of mercury in their blood has been cut in half.

The major utility groups, relevant unions and the U.S. Chamber of Commerce all support leaving the mercury standards in place, even sending a letter to the EPA urging the agency to leave the standards alone. Think about it, when have these groups ever joined forces?

Moreover, a group of six key senators, including Sens. Joe Manchin (D-W.Va.0 and Thom Tillis (R-N.C.), also sent a letter to Wheeler opposing "any action that could lead to the undoing of the Mercury Rule" and urging him to withdraw the proposal to dismantle these protections.

So, why dismantle these lifesaving protections? The Trump administration is seeking to diminish the inclusion of so-called "co-benefits" or ancillary benefits in future cost-benefit analyses of proposed environmental protections. In the case of the mercury standards, the co-benefits included the reductions of soot and smog. This attempt to eliminate the consideration of co-benefits runs counter to guidelines to federal agencies issued by the George W. Bush administration in 2003, which states: "Your analysis should look beyond the direct benefits and direct costs of your rulemaking and consider any important ancillary benefits and countervailing risks."

As pro-life Christians, we believe that all human life is sacred; that each person conceived is of equal and innate value and dignity, and that all human life is worthy of protection. Jesus said, "Let the little children come to me, and do not hinder them, for the kingdom of heaven belongs to such as these" (Matthew 19:14). The psalmist wrote, "For you created my inmost being; you knit me together in my mother's womb" (Psalm 139:13).

Today is the last day for the public to comment on the proposed mercury rule, and we are submitting messages from 145,126 pro-life Christians asking Wheeler to keep these protections in place. The Trump administration can never, ever convince us that mercury in a child's brain is a good thing.

All of God's children deserve the right to "have life, and to have it to the full" (John 10:10), and we call on the Trump administration to repent by leaving our mercury protections alone.

Rev. Mitchell C. Hescox is president and CEO of the Evangelical Environmental Network. Follow him on Twitter @mitch_at_EEN .

Silicon Republic
New algorithm could save thousands of animals from toxic testing
https://www.siliconrepublic.com/machines/algorithm-animal-testing-breakthrough
Colm Gorey
Posted: April 17, 2019

With companies looking to move away from animal testing, a new toxicity tester algorithm could save thousands of animals' lives.

After decades of animal testing for everything from industrial cleaners to beauty products, it seems as if artificial intelligence will soon be stepping in to potentially save thousands of animals from further testing.

A team of researchers led by Rutgers University announced a first-of-its-kind algorithm for the testing of chemical toxicity for the benefit of workers in various industries and the animals behind the scenes.

Of the 85,000 compounds used in consumer products, the majority have not been comprehensively tested for safety. Typically, these chemicals would be tested on a range of animals. However, not only is it considered an ethical issue, but the researchers state that trying to test tens of thousands of chemicals on animals is both too costly and time-consuming.

"There is an urgent, worldwide need for an accurate, cost-effective and rapid way to test the toxicity of chemicals," said lead researcher Daniel Russo. "Animal testing alone cannot meet this need."

Previous efforts to replace animal testing with algorithms compared untested chemicals with structurally similar compounds whose toxicity is already known. However, this creates problems as some structurally similar chemicals have very different levels of toxicity.

To overcome this, the Rutgers team's algorithm extracts data from PubChem, a renowned database of information on millions of chemicals. The code then compares chemical fragments from tested compounds with those of untested compounds, with maths stepping in to evaluate their similarities and differences in order to predict an untested chemical's toxicity.

To test and train the algorithm, the team took 7,385 compounds of known toxicity and presented the algorithm with 600 new compounds. For several groups of chemicals, the algorithm had a 62pc to 100pc success rate in predicting their level of oral toxicity. However, the team admitted that this does not mean it will totally replace animal testing.

"While the complete replacement of animal testing is still not feasible, this model takes an important step toward meeting the needs of industry, in which new chemicals are constantly under development, and for environmental and ecological safety," said corresponding author Hao Zhu.

The team's findings have been published to *Environmental Health Perspectives*.